

LETTERS

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ON

THE PENNSYLVANIA SYSTEM

OF

SOLITARY IMPRISONMENT.

By Philip Toryman

Justice is the basis of all society, the sure bond of all commerce. Human society, far from being an intercourse of assistance, and good offices, would be no longer any thing but a vast scene of robbery, if no respect was paid to this virtue, which secures every one in possession of his property. Vattel.

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LETTERS ON THE PENITENTIARY SYSTEM.

To the Honourable Judge de Saussure.

Charleston, December, 1833.

MY DEAR SIR,—I send for your perusal a little volume, containing some very interesting papers on the Prison Discipline of Pennsylvania, and in support of solitary confinement, on the plan of the great philanthropist Howard, which I consider as the best which human ingenuity can devise. I have derived much gratification from visiting the new State Prison, in the vicinity of Philadelphia; and on viewing every part of it, I was delighted with the arrangement for the security and health of the prisoners, as well as the admirable mode of government, which provides the surest means of not only punishing the convict, but by producing a salutary change in his morals and habits, to restore him, at the expiration of his sentence, as a reformed and useful member of the community. Having always highly appreciated your judgment and talents, I am therefore induced to request that you will favour me with your opinion on the Pennsylvania system of solitary confinement; of the advantages which may probably arise to the public, and of its efficacy in amending the morals of the prisoners. I presume that you have read the late work of Messieurs de Beaumont and de Tocqueville, on the Penitentiary system of the United States. It contains much valuable information, and does ample justice to the penal code, and new system of Prison Discipline in Pennsylvania.

With great regard and respect, I am,

Dear Sir, yours sincerely,

PHILIP TIDYMAN.

Charleston, 16th Jan. 1834.

MY DEAR SIR,—I have read with great interest the work you were so kind as to loan me, on Prison Discipline and the Penitentiary System. You were pleased to ask my opinion on the Pennsylvania system of solitary confinement, on the advantages which may probably be derived from it in a moral point of view, and of its efficacy in reforming the criminal. You are aware

that we have no experience on this subject in this State, never having adopted the Pennsylvania or New York plans: all therefore that we know, is derived from the experience of those two plans, which have been carried out into full operation. The letters of Mr. Sergeant, Dr. Bache, Mr. Miller, and other respectable and intelligent men, as well as the extraordinary statement of the convict who writes on the subject, all go to remove the prejudices against solitary imprisonment. I confess my own mind had imbibed some prejudices against it as a cruel punishment, and as tending to drive the mind to madness. Experience has shown, it seems, that the latter effect has not been produced, and the severity of solitary confinement is entirely obviated by the prisoner being allowed to labour and to receive instruction, literary and moral, during his confinement. These seem to approximate the system as near to perfection as any human plan can be carried into effect; we must not however expect too much from it. If we suppose this treatment will reform all offenders, we shall be mistaken. The strongest motives are held out by human and divine laws to avoid the commission of crimes, yet men commit them daily. We cannot expect that sufferings alone will produce salutary effects, which higher motives could not. We must not therefore be discouraged by many relapses, even among those who have undergone this severe training. With respect to the Auburn and Sing Sing plans of solitary confinement at night, and working in gangs in the day, it seems to have succeeded better than could have been expected. But I confess that I am inclined to think, the success is more owing to the extraordinary good management than to the plan itself. Less efficient men than Captain Lynes could not carry on the system; and what a system; one of such rigorous supervision, and prompt and invariable and arbitrary and capricious punishment, as the slaves of the south are not subject to in practice. If for the violation of the rules when working together in the day (at Auburn and Sing Sing) solitary imprisonment with labour were substituted for limited periods, that might be the perfection of the system. Yet even that is conjectural, for nothing but experience can decide the question, "What is the greatest good which can be produced by the smallest suffering to poor human nature?"

I have not read the reports of the French Commissioners, sent on this voyage of humanity; but I have seen some statements of their transactions and opinions. The mission did honour to the French Government, and their reports will, I hope, do much good in that enlightened country, and for that extraordinary people.

With great esteem and regard,

I am, dear Sir, most truly yours,

HENRY W. DE SAUSSURE.

Bristol, Penn. June 1834.

MY DEAR SIR,—I have sent to the care of your son, a pamphlet by Geo. W. Smith, in defence of solitary confinement, which I am of opinion contains an impartial and well written account of the Penitentiary system of Pennsylvania. I have renewed my visits to the eastern prison of Pennsylvania; and through the friendly attention of Mr. Wood, the worthy and intelligent warden, I was permitted to have access to the cells of some of the most hardened convicts, from whom I sought information, which has strengthened my opinions in favour of the system of solitary imprisonment. They all agreed that although this mode of punishment was painfully irksome to them for the first few months of their confinement, yet they were reconciled under a full persuasion that it was intended to improve both their moral and physical condition, by placing them beyond the reach of the society of the most abandoned villains, and afforded them time to reflect and repent. The most rigid regard is paid to their health, their diet, and personal cleanliness, and the greatest humanity exercised towards them. The labour of the prisoners is turned to good account, as it contributes to defray the expense of their support. Each prisoner on his discharge receives four dollars and a suit of clothes. The number of prisoners consists at this time of one hundred and seventy, of which, about a third are negroes, one female prisoner, and she a coloured woman.*

I hope soon to have it in my power to furnish you with the opinions of Mr. Samuel Wood, on the system of solitary imprisonment; his great experience, intelligence and extensive practical knowledge of the prison discipline of Europe and America, would render a communication on this subject highly interesting.

I am, dear Sir, with regard and esteem, yours truly,

P. TIDYMAN.

Extract from a Letter of Judge de Saussure to Dr. Tidyman.

Columbia, S. C. Sept. 1834.

“Accept my thanks for the pamphlet you were so good as to send me. I have looked into it, but have not given it a full perusal, which I will speedily do—at present, I am inclined to think better of the New York plan. Solitary imprisonment is a dreadful punishment, and should, I think, be resorted to, only in extreme cases of most profligate and savage crime; and as the extreme resort, when the objects of it are too refractory for the operation of the New York plan of labour in the open air, under

* The population of the State of Pennsylvania is not less than one million three hundred thousand, of which there cannot be more than thirty thousand negroes. A large portion of the inhabitants of the state are Germans, and yet I did not find a German convict in the prison.

the strictest discipline, and absolute silence and non-intercourse. If it be practicable I should prefer it. If not, then the other must of necessity be resorted to, and not of choice."

To Mr. Samuel Wood.

Charleston, Jan. 1834.

MY DEAR SIR,—I am induced from a knowledge of your goodness and readiness to impart all the useful information you possess on the subject of the prison system, to put your patience to the trial, by requesting you to furnish me with a more circumstantial account than I have been able to collect from various publications of the result of the experiment which has been made on the system of solitary confinement in your state.

Pennsylvania has had the honour of first introducing a practical exemplification of the great Howard's plan, but on an improved scale. The benevolent efforts made by some of her estimable sons to reform her penal code and prison discipline, I trust will be attended with the success they merit, and I sincerely hope they will gain a signal triumph over the errors and prejudices of the enemies of the system, and prove how unfounded have been their predictions of its failure. Monarchs and military heroes claim for themselves immortal honour in having achieved the conquest of a territory or a fortress at the expense of much treasure, and the sacrifice of many thousand lives; their fame is estimated by the quantity of human blood which is shed in accomplishing their ambitious projects; far otherwise with the country of Penn, her ambition is of a purer and more exalted character; she aims at a more glorious object, a triumph over vice, and by applying the mild precepts of the Christian religion towards perfecting her institutions, to lay the foundation of future greatness and prosperity. What can be more gratifying to the virtuous mind of a man than a consciousness of having succeeded in soothing the sorrows of the afflicted, and rescuing the convict from ignominy, and restoring him to the world as a reformed and useful member of the community?

Your experience, well known humanity, and practical knowledge of the system of solitary confinement, give you a strong claim to the gratitude and confidence of your fellow citizens, and must fully qualify you to add to the stock of valuable information already communicated by Mr. Vaux, Mr. Livingston, Dr. Bache, Mr. Sergeant, and other gentlemen. I remember with infinite satisfaction the opportunity which was politely afforded me of visiting the state prison, under your immediate guardianship. It is with great pleasure I can bear testimony of the admirable management adopted in every department of that institution.

Its healthy and elevated site; its beautiful architectural proportions; the rigid attention paid to the means of preserving the health of the prisoners, by cleanliness, ventilation, pure water, and wholesome diet, constitute it, in my opinion, the best regulated and most complete establishment in the world. The favourable impression made on my mind in viewing this splendid edifice, can never be effaced, and I wish most ardently that the example of Pennsylvania may be followed by every state of the Union, in adopting the plan of solitary imprisonment, and manual labour. The advantages to be derived from it are of such importance, that none but the most prejudiced and fastidious can take exception to it. In awarding justice, we have nothing to fear from gentlemen of honour and science, as it is to be presumed their opinions would be founded on correct principles. From men of impartial and liberal sentiments, we have a right to expect a fair and candid decision; but from the capricious and captious, who too often view every object through the most jaundiced and distorted vision, we look for nothing but vulgar and glaring misrepresentations.

I have recently read with great interest and satisfaction, the work of Messieurs de Beaumont and de Tocqueville, "on the Penitentiary System in the United States."* These gentlemen have done justice to the subject, and their pages are divested of those illiberal and erroneous remarks which so often disgrace modern travellers. You have no doubt perused with attention their useful book, and must admit the correctness of this observation, "that in the Philadelphia Penitentiary, the moral situation in which the convicts are placed, is eminently calculated to facilitate their regeneration." We must also fully concur in the truth of the following remarks: "Such is the fatal influence of the wicked upon each other, that one finished rogue in a prison suffices as a model for all who see and hear him, to fashion their vices and immorality upon his." "It is evident that all moral contagion among the imprisoned, is impossible, where thick walls separate the prisoners day and night. The new penitentiaries in which this contagious influence is avoided, have therefore gained a signal advantage; and as long as that prison has not yet been found whose discipline is completely regenerating in its effects, perhaps we may be permitted to say that the best prison is that which does not corrupt." I was greatly surprised to find it stated by the authors of this work that they saw two insane convicts in the prison: I should suppose they must have been admitted in that state while labouring under temporary derangement. Much has been written on the subject of penal jurisprudence, and various are the opinions as to the best and most effectual mode of dimi-

* This work is translated into English by Professor Lieber, of South Carolina.

nishing crime, and reforming the criminal. Some writers are advocates of the Auburn system of discipline; others are in favour of the penal code of England,* which too often hurries the wretched convict into eternity for offences which are not of sufficient magnitude and enormity to justify the ignominious punishment of death by the gallows. You may remember to have read, among the works of Dr. Franklin, some very sensible remarks and severe strictures on the English criminal laws, in a letter addressed to Benjamin H. Vaughan, Esq., dated March 14, 1785. That great and good man has declared, in the most positive terms, his abhorrence of the rigour of those laws, and expresses his opinion, "that in all cases, on the eternal principle of justice and equity, punishments should be proportioned to offences."

I cannot conceive that a more judicious and efficient mode of punishment could be adopted than solitary imprisonment on the Pennsylvania plan. I am aware of the attempts which have been made to attach odium to it; perfect unanimity of opinion, however, is seldom to be expected, and men are too easily led astray by prejudice, ignorance, and caprice. Without experiment and research, truth cannot be fairly developed, and the more narrowly we investigate, the nearer we approach to it. In the figurative language of a respectable writer, "The sun illuminates the hills, whilst it is still below the horizon, and truth is discovered by the highest minds only, a little before it becomes manifest to the multitude." Thus men of great intellectual worth are enabled, by well directed efforts, to propagate the doctrines which have a tendency to enlighten and improve the mind, and by gradual and certain progress to reform and benefit the human race. We are told that Bias, one of the sages of Greece, regarded the greater part of mankind as bad; but admitting that only a fourth part are so, it must not then surprise us if prisons are increased in large and populous cities, where crime is constantly accumulating with luxury, and misery appears in all its horrors.

If criminals are not radically vicious, and not so depraved as to be beyond the control of the law, it must therefore be reasonable to suppose that of all the modes of punishment which have hitherto been tried, solitary confinement promises to be most conducive to the moral welfare of the prisoner, and the good of the state. It is much to be regretted that the great and distinguished name of Roscoe† has been found among the enemies of this sys-

* By a late act of the Parliament of England, the criminal code of that nation has been amended, so as to diminish the number of cases in which capital punishment is inflicted; this is certainly a great triumph in the cause of justice and humanity. The Queen, much to her honour, fully sanctioned it, and in her speech, has declared that she "hailed the mitigation of the severity of the law as an auspicious commencement of her reign."

† In justice to the memory of Mr. Roscoe, I have good reason to believe, that some months prior to his decease, his opinions underwent a great change;

tem, the real merits of which could be little understood when it was denounced as cruel and tyrannical, and compared to the Bastille.

The Pennsylvania system has been founded on a spirit of philanthropy and justice,—whereas the Bastille was instituted by an act of tyranny, and the voice of a tyrant could command an innocent subject to be incarcerated within the walls of a gloomy dungeon, without a trial, and with no other process than a *lettre de cachet*, and because “*le roi le veut*” (the king wills it). I thank God, that for the honour of mankind, and the cause of humanity, this monument of despotism has long since ceased to disgrace the French nation.

No fetters and whips, or other instruments of torture are tolerated within the walls of the eastern state prison. Justice is here tempered by mercy, and the prisoner has full time to reflect on his past misdeeds, and to repent of having offended the laws of God and his country. The irksomeness of his confinement is greatly relieved by mechanical occupation, and his mind is solaced by the bible and prayer book, whilst he finds additional consolation in the occasional visits from a minister of the gospel, also the learned and amiable physician of the institution, and has in you a friend and guardian; for who is so well qualified to take special charge of this institution as a member of the society of friends, whose religion proclaims peace, charity, and good will to all mankind. The opportunities you have enjoyed in visiting and inspecting the condition of the prisons of Europe and the United States, must render you competent to form a correct opinion on the various methods of managing and enforcing prison discipline, and have enabled you to observe the striking contrast which the Pennsylvania system presents to those jails, where the brutal punishment of the lash is frequently inflicted for every petty offence; where the young and inexperienced in crime are associated with the most abandoned malefactors, and obliged by their deplorable situation to listen to the fiendish recital of their atrocious acts of rapine and murder, to their boisterous mirth and vulgar jests, or be subjected to the ferocious looks and unbridled fury of such monsters, amidst the clanking of chains, the imprecations, and licentious jargon of the most unrelenting villains. The advantages of solitary imprisonment are obvious, and the happy influence exercised by it over the mind of the convict, cannot be too highly appreciated; and it yet remains for you to ascertain how much it can be improved, and to what extent it may be successfully carried. Permit me before I close this communication (already too prolix) to remark, that in this enlightened

and he thought more favorably of the Pennsylvania system, when he learnt that manual labour was required, and opportunities granted to the prisoner, for mental improvement.

age, when the march of intellect is making such rapid strides to ameliorate the moral state of the mind, and to forward the views of philanthropic statesmen, and men of science, the criminal laws of those countries which declare such crimes capital, and punishable with death, (as do not here admit of punishment by solitary imprisonment for a longer period than four or five years) are a violation of the established principles of humanity, and at variance with the doctrines of christianity. Many of the zealous champions of the English penal law contend, that prevention is the great end of punishment; but conflicting as are the opinions on this subject, let us lay it down as a maxim, that he who advocates the cause of mercy, takes the safe side of the question, provided he does not trample upon and infringe the great precepts of the christian religion. There are, it is true, certain crimes, although not producing death, yet so heinous as to warrant the most severe punishment the law can inflict. The great objection to the penal law of England is that it makes no difference between the felon who commits murder, and the criminal who steals a sheep. An eminent English writer, who thinks the criminal law of England faulty, and condemns it for undue severity, maintains, "that offences are punished, not according to the moral guilt which they indicate in the offender, but according to the facility with which they can be committed, and to their supposed danger in consequence to the community."

To the list of great names of writers who are decidedly in favour of solitary imprisonment, may be added the learned Dr. Paley, who has remarked, that "of the reforming punishments which have not yet been tried, none promise so much success as that of solitary imprisonment, or the confinement of prisoners in separate apartments. This improvement augments the terror of the punishment, secludes the criminal from the society of his fellow prisoners, in which society the worse are sure to corrupt the better; weans him from the knowledge of his companions, and from the love of that turbulent, precarious life, in which his vices had engaged him; is calculated to raise up in him reflections on the folly of his choice, and to dispose his mind to such bitter and continued penitence as may produce a lasting alteration on the principles of his conduct."

I have for the present sufficiently trespassed on your time, and have only to say that I heartily wish success to the great cause of justice and humanity in which Pennsylvania has embarked; her conduct is truly meritorious, and her example will, I hope, be followed by every state in the Union. I will shortly have the satisfaction of communicating to you the opinion of an eminent judge of this state, who is an accomplished scholar, and a gentleman in whose judgment I have perfect reliance; indeed, we cannot be too solicitous in seeking for information from the

highest authority, and the best informed men, on every subject connected with the welfare of an enlightened people, and particularly when we confide in their opinions to elicit truth; and under such circumstances, I consider it as a duty they owe to their country, and to the cause of philanthropy, not to withhold them.

I am, dear sir, with sentiments of great respect and regard,
Yours, sincerely,
PHILIP TIDYMAN.

Eastern Penitentiary,

Philadelphia, 9th Month 26th, 1834.

ESTEEMED FRIEND—I have to acknowledge the receipt of thy two kind communications, which would have been sooner replied to, but for the numerous calls on my time, and I am sure thy goodness will excuse the delay.

The favourable opinion thou hast so kindly and ably expressed respecting our Penitentiary, and the firm conviction anticipated of its happy result, will, I have no doubt, be fully realized to the entire satisfaction of *all* the advocates of the system. Thus far we have every cause for congratulation, and many of those who were decidedly, and, I believe, conscientiously opposed to the theory of solitary confinement, have, after a careful and impartial examination of the system as practised by us, become thorough converts and warm advocates. It must, however, be admitted, that some of these, as well as most of the opponents of the system, have not had a distinct understanding of it. They supposed that the prisoner was immured in a small and perhaps dark cell, without books or employment; never seeing the face of man, and rarely hearing his voice—hence they have said it was “cruel in the extreme, and should not be tolerated.” But when some of these very persons have seen the spaciousness of the cells, the attention paid to their construction, to the ventilation, heating and facilities to cleanse them—when they have seen the men cheerfully engaged in their various employments, seen them with their books, and know that they are seen by the keepers and official visitors, that they receive both religious and mechanical instruction, that the system cannot be called solitary, but is perfectly separate confinement, with religious, moral, and mechanical instruction:—these very opponents cry out “we did not understand you, and we now fear that instead of being *too severe*, your system is *too lenient*.” I do not think we can be understood without being seen, and I do rejoice that some distinguished men like thyself, have taken the trouble to come, see and know for yourselves. I have sometimes thought that in speaking of the discipline of the institution, we might say that we discard

the word punishment, and substitute that of privation. Thus, if a man steals from his fellow-man, he is not fit to run at large, and is therefore locked up, deprived of society and many of the luxuries of life. If he conducts himself with propriety, he is comfortable, fed, clothed, and allowed to walk in a yard once a day. He is expected to work and earn his living, as this is the duty of all; if he neglects to do this (unless sick) he is fed accordingly; if he abuses the privilege of his yard, he is not suffered to go into it; if he behaves refractory, he is put into a less comfortable cell, and his diet reduced until he is in a better state of mind; but stripes and chains are entirely discarded, and very little trouble is found in the management of prisoners. The two most important objects of improvement, are the security of society, and the reformation of the criminal. The latter had ceased to be hoped for under the old prison regulations, (if regulations they could be called) and all acquainted with the subject agreed, that what had been intencioned for, and called Penitentiaries, produced more crimes than they eradicated, and the only beneficial effect was, that the inmates were prevented from committing depredations on society during their confinement. But it is doubtful whether, even in this respect, there was any advantage, and whether it would not be as well to dispense with imprisonment, rather than herd them together, where the hardened and accomplished villain was constantly teaching the novice, and thus creating an extensive community of thieves. Attempts were early made in Pennsylvania to remedy this evil, but, from circumstances, (not necessary to mention in this letter) were never carried into full operation. The neighbouring state of New York, experiencing the evil to a great extent, altered their State Prison at Auburn so as to give each convict a separate cell to sleep in, and established a strict and severe discipline during the day, so as to cut off much of the communication which had before existed between the prisoners. The legislature were so much pleased with this, that a new prison was built at Sing Sing. While this was going on in New York, Pennsylvania, satisfied with the efficacy of her former plans, directed the building of a prison at Pittsburgh, and one at Philadelphia, for separate confinement both day and night. No difference of opinion exists as to the evil effects of the old mode of allowing all to be together, but the question appears to be, whether it is best to allow prisoners to be worked together in the day and lodged separate at night, or kept separate both day and night, and deprived of all opportunity of seeing or knowing each other. This subject is ably argued in a pamphlet written by G. W. Smith, Esq., of this city, entitled *A Defence of the System of Solitary Confinement, &c.*, which contains more information on the subject of prisons and prison discipline, than any work of its size that I have seen. At the time this was written,

we had not the full advantage of experience; now, after having had five years of actual practice, we find that all we promised has been realized, and none of those horrible results predicted by those opposed to us, have occurred. We find that separate confinement with labour, does not cause either insanity or disease; we have now prisoners who have spent *four*, and one nearly *five* years with us, who to all appearance are in as good health as the day they came in, and as respects their minds, they have evidently much improved. It must be admitted, that where they labour in workshops together, there is a greater choice of trades, and hence more profit will accrue to the institution; this I consider of minor importance; it is desirable that the prisoner should be made to support himself; this is all I deem necessary. No state should promote crime, to increase its revenues; and I cannot but believe that where prisoners are allowed to associate at all, and see each other, they become acquainted with the persons of each other; and although but little oral communication may take place, crime is the necessary result. Wherever prisoners are allowed to come together, they will know each other, and they will communicate together; in order to prevent this, corporeal punishment is resorted to, and in exact proportion as it is prevented, is the severity of the whipping. Now this practice I must enter my protest against. From the long, and, perhaps, I may be allowed to say the extensive knowledge I have had of the various systems in practice, both in Europe and America, the pains I have taken to investigate the effect and results of their discipline, have fully convinced me, that the cruel practice of whipping is a serious and lasting injury; it degrades the individual still lower in his own estimation, it hardens his heart, renders him callous and dead to all the kind and better feelings of our nature, and should he survive the cruel treatment (which I fear is too often inflicted) and be restored again to liberty, he comes upon society with his feelings embittered against mankind, his mind bent on revenge, and ready at the first opportunity to plunge again into crime; thus, the second state of this man, is worse than the first. I cannot approve of any system, the success of which depends on violence or the lash, nor do I think it will ever be permitted in Pennsylvania. If separate sleeping cells at night, strict discipline during the day, kept up by the fear of the whip, has a salutary effect, I would ask, have we not all the advantages where this separation is both day and night, and where there is no necessity for this severity to preserve the discipline of the establishment? To the philanthropist I would say come, view, examine for yourself; let the opposers of the institution cast aside all prejudice, and give it an impartial investigation; let them behold the prisoners, view them at their various employments; their health, their cheer-

fulness, their mild demeanour, their ready acquiescence in all orders given, and the apparent pleasure with which they are obeyed,—it will then be asked, how is all this accomplished? I answer, by separate confinement; by a uniform, kind, and judicious treatment; by a regular course of labour; proper exercise; by the perusal of the Bible, and various religious books, and by what instruction it is in our power to give. We look upon them as men, (not as brutes,) as a part of the great human family with ourselves, and we consider it a duty incumbent upon us to use mild and persuasive measures, and endeavour by precepts of virtue, morality and religion, to wean them from their vicious course, bring them to a deep and full sense of their guilt, and the consequent degradation and misery ever attendant upon crime. We need no lash nor chains, no threats or violence to enforce our rules and regulations; we pursue a merciful, but a firm and determined course. That all who are thus disciplined will go out and become good citizens, would be almost a miracle; but even upon some old and hardened offenders, a radical change has been effected, and their good and industrious conduct since their discharge has satisfied us, that if they have not been reformed, they have at least been benefited. My hopes and expectations have been more immediately directed to the young in crime; those who are not by profession thieves, but who have been led into crime by neglect, misfortune, or chance; or who have just commenced their career in crime, who are not acquainted with other rogues, and who do not belong to the community of thieves. These form no small proportion among criminals, and it is on these that I humbly but most confidently trust, our institution will confer a lasting blessing. I look forward with hope and confidence, which the result has so far fully sustained, that the majority will “cease to do evil and learn to do well,” and become useful and honourable members of society. I send a set of reports made to the Legislature from the opening of the Penitentiary to the first of this year; these contain information on several subjects referred to in thy letters, and the tables will give all the statistical information requested; my own reports contain opinions which I would otherwise here have to reiterate. In reply to thy inquiries, as to the moral condition of the coloured convict as compared to the white, I may say it is inferior; but a few have had advantages of school learning, and the care of masters when young, while most have been hired out from early youth, without any pains having been taken to instil into them principles of morality or religion. Very few are convicted of high crimes except for burglary; but these cases are generally without violence, their propensity appears to be, to pilfer and to steal. They work full as well as our white prisoners, and readily receive instruction, and a very few have shown

a refractory disposition; three or four out of the whole number received have been slaves, and two of these excellent prisoners. Our diet consists of one pound of good bread and a pint of coffee or cocoa for breakfast; three-quarters of a pound of beef without bone, one pint of soup and as many potatoes as they wish for dinner; we occasionally give instead of beef, half a pound of pork, and at some seasons rice instead of potatoes; for supper Indian mush as much as they please; and they get once a month, half a gallon of molasses, which is used at discretion; salt is also given to them. Each cell has water introduced into it which the inmates can draw at pleasure. The ground floor of our observatory, being about on a level with the top of the reservoir at Fair Mount (96 feet above high water,) we find with regret that we cannot have sufficient supply of water from that source, and therefore have decided on having the necessary water works within our walls. Notwithstanding our elevated site, we find water at 12 feet below the surface; we have just completed a well 30 feet diameter and 26 feet deep, in which we shall have 12 or 14 feet depth of water. We have also in process, a reservoir 40 feet diameter, built above the level of our cells, which is calculated to hold one week's supply for the whole establishment. I mention these facts to show that where there is not the advantages of a public water works, the necessary supply may be obtained within the walls.

With sentiments of great esteem and respect,
I remain thy sincere friend,

SAMUEL R. WOOD.

Dr. PHILIP TIDYMAN, Charleston, S. C.

The following Communications have been made since the publication of the first edition.

Bordentown, N. J., August 20th, 1836.

DEAR SIR—As you know the interest I have always felt for the success of the system of solitary imprisonment adopted by the state of Pennsylvania, and which, by your ability and zeal you have so greatly promoted; you will not therefore be surprised at my renewed application for further information on a subject of such vast importance to the moral welfare of mankind. I am certain you are actuated by no selfish motives, but are willing to impart all the valuable knowledge you possess, of what I consider the most improved mode of prison discipline. Your experience and sound practical knowledge peculiarly qualify you for this kind office, and your benevolent disposition will not permit you to withhold any communication which may have a ten-

dency to advance the cause of humanity and justice. Your country has felt the value of your services, and whilst demagogues and time-serving politicians are worshipping mammon, and seeking the fleeting phantom of popularity, you have most assiduously devoted your time to the faithful discharge of those duties which are assigned to you by the Government of your native state.

On my late visit to the prison of Sing Sing, I was enabled to judge of the plan pursued by the state of New York for the punishment of convicts, and compare it with that of Pennsylvania. Although I believe the most perfect discipline is enforced in the prison of Sing Sing by the able and zealous superintendent, and the system upon which the government of the institution is based, rigidly adhered to; yet, I can never be persuaded that the great end it is designed to accomplish, can be so effectually attained, as it would be, if each criminal was confined to his cell, and there compelled to labour in solitude. By this means, the reformation so desirable, may be effected; whereas, suffer him during the day to mix with some fifty or more of his fellow prisoners whilst engaged in labour, and the salutary impression made on his mind by solitary confinement is partially, if not entirely removed. It is true, as I have witnessed, that in every apartment where the convicts are kept steadily at work, the most arbitrary surveillance is kept up, and strict obedience to the rules exacted; not a word is heard, and even an exchange of a look among them is forbidden; yet, if every keeper had the eyes of Argus, and the vigilance of Cerberus, there are moments when the utmost watchfulness may be lulled, and not only a glance, but a whisper may escape, and that sympathy among felons, from which no positive good can arise, may be excited. The fear of the lash is undoubtedly a powerful restraint, and although not often inflicted, it is still a degradation which might be obviated by adopting the Pennsylvania system. I am aware that the prisoners are separated at night, and at meals. In conducting them to their respective cells and workshops, the most scrupulous care is taken to guard against the slightest communications, either by the voice or eye; whilst marching to and fro, each company march by single file, in close order, with their faces inclined towards their keeper, and in this manner they are disposed of with great regularity. A diversity of opinion exists as to the successful operation of the prison discipline of Sing Sing and Auburn. Time will prove whether the two great objects of reformation and diminution of crime, shall be more speedily and effectually gained by this mode of punishment or by the Pennsylvania system, and which will exercise the greatest moral influence upon the mind of the convict, so as to induce him at the expiration of his sentence to abstain from vice, and continue those habits of

industry he had been taught in prison, and which alone can sustain and render him an honest member of the community. Mr. Wiltse, the intelligent agent of the Sing Sing Prison, in his interesting report to the Legislature of New York for 1834, has expressed his favourable opinion of the system adopted in that state, in the following observations: "The advantages of the Penitentiary system of the United States may then be classed in the following manner: First, impossibility of the mutual corruption of the prisoners: Secondly, great probability of their contracting habits of obedience and industry, which render them useful citizens: Thirdly, possibility of a radical reformation." Without possessing any means of proving this radical reformation, we can prove that the system of discipline pursued at this prison, does exercise a powerful control over the vicious propensities of rogues and villains. The comparatively few recommitments of those who have been confined in this prison, and the gradual decrease of convictions in general, (which will be found in the introduction to this work) notwithstanding the great increase of population, does prove beyond a question its effects.

The hope once entertained, of producing a general radical reformation of offenders through a penitentiary system, is abandoned by the most intelligent philanthropists, who now think its chief benefit is in the prevention of crime. In order to attain this end, a state prison should not be governed in such a manner as to induce rogues to consider it as a comfortable home. They must be made to submit to its rules, and this by the most energetic means: corporeal punishment for transgression, which, to be effectual, must be certain, and inflicted with as little delay as possible; "quick as the thunder follows the lightning, should the punishment follow the offence." It will not be for want of rigorous execution of the rules of the Sing Sing Penitentiary, if this mode of punishment should fail; and so far as my observation extended, I was fully convinced, that without this same system of terror, the experiment must be abandoned. I was assured by the clerk, (Major Sing,) who politely accompanied me, that the discipline, such as I then saw, was uniform and undeviating. In justice to the agent, and other officers of this prison, I confess that I cannot conceive it possible that any similar establishment can be conducted with more admirable precision and attention to order, and all such regulations as have been made for the security and good of the convicts. The government of a prison, (however we may differ in opinion as to the great objects to be attained,) should be administered with the same spirit which prevails under the most absolute monarchy; no dereliction of duty should be tolerated on the part of the officers; every man should be at his post, and act with that humanity, firmness, and promptitude, required of him by a sense of honour

and justice. The plan adopted at Sing Sing, is certainly a very great improvement upon the old and odious penitentiary system which yet prevails in some of the states of this Union. According to the observations of Vidocq, "thieves form three great classes, in which may be found many divisions and subdivisions. To the first of these belong thieves by profession, who are reputed incorrigible, although the almost perpetual efficacy of the North American system, which the North Americans adopt towards their prisoners, proves that there is no rogue so hardened, but that he may be brought to repentance, and an honest mode of life." These remarks are applicable to the present highly improved plan of imprisonment in solitary cells. It is said of Vidocq, once a convict, and finally the celebrated agent of the French police, "that with a mind not naturally vicious, he was again and again condemned to mate with the most abandoned; with feelings not callous, he was compelled to harbour with the most hardened; with yearnings after a life of honest labour, he was coupled with villains whose conduct was one tissue of impious blasphemy, atrocious rascality, and unalterable bestiality." What a horrible state is here described, for a man not radically bad, to be associated with demons incarnate; to be compelled to herd with the most degraded of the human species, whose only pleasure consists in the grossest debauchery, and whose feelings and ideas place them on a level with the brute creation. What must be the mental anguish of the unfortunate culprit who cannot escape from this pandemonium, and is doomed to drag out an existence of wretchedness and woe?

The various trades which so successfully employ the time of the convicts at Sing Sing, serve to defray the expenses of the institution. According to the annual report of the inspectors to the legislature of New York, in January last, the agent received in one year from the earnings of the convicts, the sum of \$75,164.42, out of which \$56,361.6 was expended for the general support of the prison, and a balance of \$18,803.36 was left in favour of it. This is highly creditable to the agent, and is a convincing proof of good management. A large number of convicts are engaged in making locks and keys, and I should fear their ingenuity in this way, might, at the expiration of their sentence, result in more injury than good to the community.

The constant and indefatigable exertions of the highly respectable minister of the gospel at the Sing Sing Penitentiary, have greatly contributed to amend the morals of the prisoners, and impress their minds with a proper reverence for Christianity. The visits of a pious clergyman are indispensably necessary, for he can best "minister to a mind diseased," and calm the troubled conscience amidst the gloom and sorrows of the prison. It is his peculiar province, by prayer, to rid the soul of the crimi-

nal, of the vices which enslave it, and restrain, by religious instruction, the natural ferocity and depravity of his heart.

I have never had cause to change my opinion of the wisdom of the Pennsylvania system, which, so far as it has been carried out, will bear the test of scrutiny, and lose nothing by comparison with the most approved plans of prison discipline which human ingenuity have devised. It is in solitude that men have time to reflect on their misdeeds, and take a retrospective view of their career of folly, and the sinister actions of their lives. In his solitary cell, the prisoner may endeavour to make his peace with the Almighty, by contrition, humility, and prayer; it is by this means that the unfortunate convict can hope to be regenerated; cheered by the prospect of regaining his freedom, he leaves his lonely and dismal cell, with the satisfaction of knowing that the road to honest industry is open to him.

In your last annual report, you very justly have remarked, that "there is perhaps no situation in which man's character, disposition, temper, and strength of mind, can be so completely scanned, as in a separate cell; an intelligent keeper may soon discover his evil and his good propensities, and the strength or weakness of his mind, and manage him accordingly." I concur with you, that, "on few points have the community been more mistaken, than in the character of convicts, who are, as a mass, an unfortunate, uneducated, ignorant class of beings, victims of intemperance and neglect." It is no less true, as you have observed, "there are some instances among them of low cunning, and few of intelligence, and that a small number have received the first rudiments of a school education; but the great majority, indeed, nearly the whole, have been destitute of any thing like a moral and religious training."

Before I close this communication, permit me to inquire if you do not think the power of pardoning is often abused? It may be sometimes exercised judiciously, and with strict regard to the dictates of humanity and justice; cases must occur which call for the interposition of executive mercy; they cannot, however, be many; strong and pathetic appeals to the feelings of a chief magistrate, ought never to give an improper bias to his judgment, and induce him to grant a pardon to a convict, without the deepest reflection, and the most unequivocal testimony of his innocence; whatever palliative circumstances may arise in favour of a convict, the ends of justice should never be defeated by false feelings, and an error of judgment. The power of pardoning, and the veto power vested in the chief magistrate of a state, and the United States, are prerogatives of the highest responsibility, and they should be abolished, if they cannot be wisely exercised.

In every prison which I have visited, I have been surprised

to find a large proportion of negroes. In the Penitentiary of Sing Sing, out of more than eight hundred convicts, a fourth are people of colour. In the State Prison under your charge, I believe there were, in June last, three hundred and fifty prisoners, and a third of that number negroes. In the Trenton jail, one hundred and fifteen prisoners, and a fourth negroes. When we consider that in the three states of New York, Pennsylvania, and New Jersey, there are between three and four millions of people, and not eighty thousand negroes, it is wonderful that so large a number of them are to be found in the various prisons. Is it because these people are more ignorant, more immoral, and less industrious than the white population? There certainly has been no want of benevolent societies to improve their condition. The proportion of foreigners among the convicts is considerable; they consist principally of English and Irish; and I must say, for the honour of the German character, scarce a German can be found in any of the prisons, although the German population in Pennsylvania is immense, and many thousand emigrants arrive annually from Germany. On my late visit to the new State Prison near Trenton, I was glad to find it nearly ready for the reception of the convicts. It is a strong evidence of the enlightened state of the public mind in New Jersey, that the Pennsylvania plan of solitary imprisonment is adopted, and the execrable old system abandoned. The new Penitentiary appears to be well constructed, and reflects much credit on the architect and chief workman. I have heard it positively asserted, that in the construction of the cells of the new State Prison of Pennsylvania, the voice of a prisoner, in his cell, may be heard in the adjoining cells, by means of the pipe communicating with the privy; I believe this to be incorrect, as I think that the defect has been long since obviated. I am satisfied that many ingenious and mechanical improvements have been made, recently, under your inspection, and by your suggestion, in the eastern state prison. Whatever invention is applied to the security of the convict, and to his moral welfare, must contribute greatly to promote the cause of humanity and justice. What man was ever more entitled to the coronal wreath of merit, than the celebrated English philanthropist, "Howard," who, by the purest benevolence, christian zeal, and intelligence, has done so much for the improvement of prisons, and the amelioration of the condition of millions of his fellow creatures. It now remains to be seen how far the governments of the most civilized nations will profit by the suggestions of Penn, Franklin, Paley, Parr, and other great and good men. It will give me great pleasure to hear from you.

I remain, dear sir, with esteem and respect,

Yours, sincerely,

PHILIP TIDYMAN.

Philadelphia, 3d Month 7th, 1837.

MY DEAR FRIEND,—Accept my thanks for thy very kind communication, to which I feel ashamed of not having sooner replied, but am sure thou wilt not attribute my silence to any other than the true cause, namely, a daily routine of official duties, which absorb almost every moment of my time, and anxious engagements of various kinds, that nearly preclude me from writing any other than a hasty business letter.

I must repeat, that many of my good friends, and thyself among the number, continue to give me more credit than is due for my individual agency in the great cause of prison reform. As respects my administration of the Penitentiary, I can only say, that I came to it with a determination to do my duty, and that I have devoted to it the best of my humble abilities. I was anxious that the system of separate confinement should have a fair and full trial. I think this has been accomplished, and I am really desirous that all good and intelligent persons, who take an interest in the welfare of that class of their fellow men which is here confined, would come and examine for themselves, the practical results of an experiment of more than seven years.

It is a source of real pleasure to me, when I meet with a philanthropist like thyself, who is not disposed to take matters on trust, but is willing to spend both his time and money in investigating the subject in all its bearings.

Of late years, intelligent men have taken new views in regard to criminals, who appear to have been formerly considered as desperadoes, alike destitute of any good feelings, or capability of reformation. I have always thought Goldsmith entitled to the credit of a pioneer, in drawing the attention of the community to the miserable condition of the prisoners in his day, and to the possibility of taming and subduing the most vicious, by mild discipline, and the inculcation of the doctrines of christianity. Where can we find a better account of what may be done by the preaching of the gospel, than in his *Vicar of Wakefield*? I have sometimes queried, whether this simple tale might not have had some influence in encouraging and stimulating even the good Howard, in his meritorious and active course of beneficence.

The greater part, if not all, of the prisons of Goldsmith's and Howard's day, were, and perhaps many of them so remain, the most perfect schools of vice, depravity, and licentiousness, that human ingenuity could have devised, and were, in every respect, calculated to destroy not only all incentives to virtue, but thoroughly to contaminate those who should come within their baneful atmosphere, whatever might be their previous moral condition. Any system that would lessen or prevent such corruption, must be desirable; and I hold, that exactly in propor-

tion as you prevent the intercourse of prisoners, by sight or by conversation, in the same ratio is your prison bettered. It was, therefore, an improvement to separate the males from the females; the convict from the untried; the debtor from the criminal; the young from the old; and the less from the more hardened offenders. But however complete your classification, or however severe your discipline may be, with a view to prevent communication by language and sight, I maintain, that communication will exist, and injurious effects result, whenever two or more prisoners are suffered to associate together; and, consequently, that the only true and perfect classification is, to place every prisoner, both before and after conviction, in a cell by himself, where, if he be innocent, no one can contaminate him, or however depraved himself, he can injure nobody.

I am much pleased that thou hast visited Sing Sing, as it affords thee an opportunity of forming a judgment from actual inspection of the two systems as practised in the states of New York and Pennsylvania.

We must all admire the discipline, order, good management and high state of perfection to which their plan is carried out in that institution. It is however a serious question, whether the results of their high state of discipline are commensurate with the means practised to obtain them. I with pleasure allow them full credit for all the advantage they claim over the old prisons. Yet *I do know* that their discipline is not calculated to instil proper feelings into the mind of the criminal. It may deter some, but I believe it will not reclaim any. I also *know* that the prisoners are constantly communicating with each other, and becoming more or less acquainted with the persons, countenances, names and histories of one another.

Mingling thus together at work, in chapel and at Sunday school, they become acquainted, in the course of their servitude, with hundreds, perhaps thousands, and when discharged, however anxious they may be to lead an honest life, and forget that they have been in prison, they must forever be liable to encounter those who have known them there, and to be not only *spotted* at their pleasure, but led on, as in frequent instances they have been, to the commission of fresh depredations. This evil, (and a very deplorable one it certainly is) cannot exist on the Pennsylvania system; for even admitting that one prisoner should talk to another in an adjoining cell, they cannot possibly know each other's appearance, and they might afterwards pass in the street, without the slightest idea on the part of either, that the other had ever been imprisoned.

I consider it highly improper to allow (as many institutions do) visitors to see the prisoners. A discharged convict who has been thus seen by the hundreds who have been admitted as visi-

ters, upon the payment of a fee, cannot but fear in every eye that falls upon him, one that may possibly recognise and expose him: such feelings of insecurity afford him little or no inducement to do well, or to elevate his character. The paltry sum received as fees, cannot compensate for the evil produced, and no state in the Union ought to subject those wretched beings, undergoing the penalty of the law, to the still further degradation of being made a show of. I have known of old convicts purchasing a ticket and making a general inspection of certain prisons.

In reply to one of thy inquiries, I must state, that the water in the privy pipes is changed, (that is, let off, and the pipes again filled up) six times a week in summer, and three or four times a week in winter; during each operation, which requires from ten to twenty minutes, conversation can be held in the particular range that the set of pipes is attached to; and it is not easy to prevent this by any mechanical arrangements, preserving at the same time entire cleanliness. We endeavour to prevent it by the following means; our positive rule is, that any prisoner that is caught at his privy, while the water is thus changing, shall be deprived of his dinner for one week for the first offence, two weeks for the second, and four weeks for the third. Besides several of the overseers from the other ranges, come into the one letting off, and assist to watch through the peep-holes in the doors, by which means they see the prisoner without his seeing them. By enforcing this regulation, few violate it, and these few are almost invariably detected.

As many of the predictions made by advocates of the Auburn system have not been verified, they now desire to prove it possible for two prisoners to hear each other in adjoining cells. If this be possible with us, it certainly is not difficult in their favourite establishment. If ours is deficient in this respect, theirs must be a total failure. If they pretend that they prevent all conversation day and night, by the vigilance of a keeper, we can do it with far greater facility.

The question is, which of the two systems is most worthy of adoption? Looking to pecuniary gains, the Auburn plan has the advantage. Perhaps no Penitentiary has made so much money in the same number of years as Maryland. Yet little attention has been paid to any part of the discipline except that of making the prisoners work.

I feel proud as a Pennsylvanian, that my native state has had a higher and nobler object; and I refer thee to a report recently made by a committee of our legislature appointed to visit and inspect this institution, a copy of which I send.

As to the good effects of our plan in relation to religion and morals, I only ask for a fair and impartial investigation by dis-

interested individuals; by means of a thorough personal examination of a given number of convicts, both of those in prison, and of those discharged, at Sing Sing and here. I challenge such a trial, and will cheerfully abide the decision.

To the inquiry, if the pardoning power is not often abused? I reply, that I believe there is no prerogative of the executives of the several states in this Union that has been so shamefully perverted. Formerly the depraved and crowded state of our prisons was a standing pretext for pardoning 20, 30, and even 50 at a time. As new buildings have been erected in several of the states, this excuse fails: but from the ease with which signatures may be obtained to petitions of all kinds, the friends of a criminal, however desperate, are enabled to procure scores of names, with which to assail the governors, who too frequently yield to such importunity. The present governor of Pennsylvania is an honourable exception, having granted only three pardons to persons in this Penitentiary during the year 1836.

I have long deplored the evil consequences of pardoning, and have contended that the province of the jury is to declare the innocence or guilt of the accused, and that of the judge to prescribe the term of the person's confinement.

All admit that there should be no conviction on *ex-parte* testimony: yet in almost every case it is on *ex-parte* representations that pardons are granted.

I have no doubt that our coloured population is more ignorant, and hence more indolent and immoral than the white. This cause alone serves to explain the greater comparative number of convicts of the former class. There exists, however, other reasons for the striking difference adverted to. The three states mentioned by thee, viz: Pennsylvania, New Jersey and New York, seem to be the natural receptacles of all manumitted blacks of the southern states, who wish to remove into a free state, and also of runaway slaves. Unfortunately, neither of these descriptions of coloured people has had sufficient care bestowed upon the cultivation of their minds, to awaken in them any right moral or religious sentiments. Hence their loose ideas in regard to personal rights, and their little respect for the property of others, or for their own character. Having been exempted as slaves from the care of providing for themselves and families, they readily fall into a state of want. Having been forced to work by the fear of the lash, they determine to do as little as possible when set at liberty, and being for the most part accustomed to pilfer from their masters, without any just idea as to the sinfulness of the act, it is no wonder if the same bad habits afterwards abide with them. Their uncultivated and degraded condition not only leads them to vice, but also disqualifies them from using the same means to prevent detection, which the more

educated and adroit villains resort to: either by purchasing bail, and leaving the place, or procuring good counsel for conducting their defence.

I am inclined also to believe that the existing prejudice against the coloured population frequently warps to their injury the opinion of the judges as well as of the juries. However reluctant I have been to come to such a conclusion, I am persuaded that facts will bear me out. Not long since two mulatto women were brought hither, sentenced each to five years' imprisonment for robbing a white man, who had been sleeping with one of them. The same judge who pronounced their sentence, sentenced a few days afterwards, in the same court term, three white men for highway robbery, each to four years only.* And about the same period one of the most adroit villains that ever attempted burglary, and who had in his possession a set of instruments such as never had been seen by our police officers before, received a sentence of fifteen months.

I could fill a volume in confirmation of my views. It is rarely a black is pardoned; and although we have so many coloured delinquents in prison, yet few are convicted for higher offences than larceny. Very seldom are any sentenced for crimes of violence.

Whatever good may be done in our Penitentiaries, I am satisfied that it is to the education of our youth that we must look for the most important ameliorations of society. Nothing more strongly illustrates this truth, than the history of the inmates of a prison.

Educate youth by giving them not merely a good school education, but teach them a useful trade, and active habits of business, inculcating, at the same time, sound religious principles into their tender minds, and you will find very few of them requiring reformation in a Penitentiary. "Train up a child in the way he should go, and when he is old he will not depart from it," I believe to be as sound a maxim as any in revealed religion.

Before closing this long letter, I must add, that having now been at the head of this institution from its commencement, (seven and a half years ago,) and watched carefully, during the whole period, the results of its discipline on the minds of its inmates, I am prepared to state my full conviction, that it is by far the best and most judicious system that has ever been put into

* By the laws of Pennsylvania, criminals for the first offence are punished with imprisonment for a period not exceeding twelve years; but for a second, it may be extended to fifteen or twenty-one years, according to the nature of the crime. In case of murder in the second degree, the convict may be confined for a second offence during his life. Every person convicted a second time of the crime of rape, may be sentenced to imprisonment for life.

operation, and is, accordingly, deserving of the deepest attention of the legislatures of the several states in this Union, and of foreign governments.

In addressing thee, I have indulged in the utmost freedom of thought, and expression of my own observations and reflections.

I remain, with the greatest respect and esteem,

Thy sincere friend,

SAMUEL R. WOOD.

DR. P. TIDYMAN, Charleston, S. C.

To Mr. Samuel R. Wood.

Bordentown, New Jersey, August 5th, 1837.

I sincerely thank you, my dear sir, for your very interesting communication which I received in March. I assure you, that it fully confirms the opinion I have formed in favour of the Pennsylvania system of solitary imprisonment. Your information is infinitely of more importance, than volumes of theory upon the same subject. Why then should your sound and practical knowledge be lost to an enlightened public? I am convinced that you possess too much good sense, and liberality of feeling, to withhold from mankind the advantage of reaping some of the fruits of your experience, and how can you better serve the cause of humanity and justice, than by giving to the world the benefit of your valuable observations; for they furnish a clearer insight, a more concise, and yet comprehensive view of the Pennsylvania system, than any of the books which have been published. I fully concur with you in your remarks; but if in the government of your institution (from what I have witnessed,) there is any disposition to err, it is on the side of too much lenity. The more vicious and incorrigible class of convicts, should, I think, be made to feel the rigorous effects of solitude in a greater degree than less hardened criminals. You will perhaps say, that it would be improper to make a distinction by any deviation from the regulations of the prison. According to the opinion of Edmund Burke, "absolute and entire solitude, that is, the total and perpetual seclusion from all society, is as great a positive pain as can be almost conceived."

The work of reformation cannot be effectual, unless a deep conviction of guilt is impressed on the mind of the criminal by a sense of his unworthiness; and until he can, by reflection, feel most poignantly, in perfect solitude, a consciousness of his depravity, there is little hope of his amendment. Men of profound legal knowledge must determine upon the just medium of punishment, without exceeding the measure of justice. In the words of Judge Hopkinson, "to fix a precise standard, which

shall afford, in all cases, the necessary protection to the community, without undue severity to offenders, is impossible."

There are some very important subjects, the merits of which I wish could be thoroughly discussed by men of great legal talents, for they involve the dearest rights and interests of the citizen, either when arraigned before a tribunal, or after his conviction of a crime, so far as they relate to the right exercised by judges, and other magistrates, to admit an offender against the laws to bail; also the power of pardoning and commuting the sentence of a court of justice. The violation or abuse of any one of these powers, should be guarded against by the most rigid legislative restrictions. They place those with whom they are intrusted, in the most responsible situation. May it not be more conducive to the public welfare, and best promote the great cause of justice, to vest them with the judges of the supreme court, or such other tribunal as the legislature of each state may deem proper?

Criminal offences amounting to felony, I believe, are not bailable by the laws of England; I rest my opinion on the letter of Junius, which was addressed (Jan. 1772,) to Lord Chief Justice Mansfield, in which he is charged with violating the laws of the land, by bailing John Eyre. Junius affirms, "that a thief taken in *flagranti delicto*, with the stolen goods upon him, is not bailable." With respect to the commutation of a sentence of a court of justice, I have examined the constitution of the United States, and twenty-one states, and I cannot find that this power is granted to the governor of any state of the Union, except South Carolina.

I am indebted to the politeness of Judge Hopkinson, for a copy of Charles G. Haines's Report of the Penitentiary System of the United States; it is a valuable performance. In the appendix, you will find communications from many distinguished men; and one of the most sensible and interesting, is from the pen of Judge Hopkinson, who takes particular notice of the abuse of the pardoning power; he observes, that "except in very rare and extraordinary cases, a pardon should be founded only on circumstances of excuse or alleviation attending the commission of the offence, but insufficient to warrant a legal acquittal, or on the discovery of facts unknown at the trial, which would probably have produced an acquittal." In another part of the appendix, you will find a very important report by the Hon. Samuel M. Hopkins, to the senate of New York, which contains an account of the most appalling and lamentable abuse of the power of pardoning. He says, that in 1818, the governor of New York was compelled to pardon 280 convicts, in order to make room for 300 new comers. The prisoners are described as the "most abandoned and profligate of mankind." In this year he

remarks, there was a dangerous insurrection, and a great amount of property destroyed. He further states, that in 1821, 240 prisoners were pardoned; they are described as desperadoes, "with hearts steeled to moral feeling."

I recently made a visit to the Penitentiary of this state, near Trenton; I must confess, that I was greatly disappointed to hear that corporal punishment is tolerated in this prison, although rarely inflicted, I believe, and only when a prisoner is refractory and insolent, or attacks his keeper. The cells have no yards adjoining them, as is the case with many in your institution; I consider the yards a great improvement, both as regards the health of the prison, and affording an opportunity of punishment, when necessary, by debarring him the use of it.* In this Penitentiary, there are 136 convicts; a few coloured women, but not one white female, much to the honour of the state of Jersey.

Among the numerous useful and benevolent institutions of which Philadelphia can justly boast, there is one yet wanting, and that is a house of refuge for discharged prisoners who have been falsely accused of crimes, and who, on being released, are perfectly destitute, and often unable to procure employment. Monsieur Demetz, a distinguished judge of France, and who must have been known to you during his visit to the United States, has published a pamphlet,† recommending such an institution to be established in Paris, and which will doubtless meet with the notice and patronage of the good and munificent king of the French. Monsieur Demetz, with a benevolence highly honourable to him, has, at his own expense, carried his laudable plan into successful operation on a limited scale.

I am, dear sir, with respect and regard,

Your obedient servant,

PHILIP TIDYMAN.

To Mr. Joseph Yard.

Bordentown, N. J., August 24th, 1837.

DEAR SIR,—After having availed myself of your polite invitation to visit the Penitentiary under your charge, I am desirous of seeking such information as your office of Warden enables you to furnish, and which you have kindly promised to communicate, so far as your experience and practical knowledge of soli-

* The Eastern Penitentiary of Pennsylvania contains 350 cells, with yards; each cell, 8 by 12; yards, 8 by 16. This plan is highly judicious, and generally approved of, as it is not only conducive to the health of the convict, but, in case of his misbehaviour, he can be punished by being deprived of the use of the yard.

† *Projet d'Etablissement d'une Maison de Refuge pour les Prévenus Acquittés, à leur sortie de Prison, par M. Demetz.*

tary confinement extend. I wish to know the exact number of convicts, and the proportion of foreigners you have at this time, and what is the longest term of imprisonment for which a convict may be sentenced by the laws of Jersey?*. I request you will favour me with your opinion of the good or bad effects produced by corporal punishment, which I believe is very seldom inflicted in your Penitentiary. Do you not think the practice of it has a tendency to degrade the convict, and retard, if not effectually destroy all hope of his reformation? Have the prisoners (in addition to mechanical occupation) the full advantages of moral and religious instruction? And do they receive regular visits from a physician and minister of the gospel? You have had an opportunity of judging which is most conducive to the health of the convicts, the system of solitary confinement, or imprisonment upon the old plan of working in common, and confining some three or four or more, to a cell during the night. Have you discovered much mental improvement among the convicts since their removal from the old prison? You have been able to make your observations on the comparative merits of the old and new systems; your opinions, therefore, are valuable, as being the result of experience. I must confess, that on my last visit to your institution, I received a very favourable impression of your general good management, and I am satisfied that the duties connected with your department are faithfully and honourably performed.

I am, Sir, very respectfully,

Your obedient servant,

PHILIP TIDYMAN.

State Prison, near Trenton, August 26th, 1837.

DEAR SIR,—In compliance with your request, I will attempt to answer your questions respecting the new mode of imprisonment which has been adopted in New Jersey. You are aware that my acquaintance with prisons and their discipline has been short. I had for some years past been in the habit of visiting the prisons of New Jersey, in company with ministers and other pious persons for religious instruction. In that capacity I acquired but very little knowledge of a prison, or its proper discipline; I had, however, an opportunity of discovering the good effects of religious exercises upon the minds of convicts when congregated in the old prison, but greatly prefer the mode which is practised in the new State Prison, where every prisoner in his cell can distinctly hear the minister without seeing him or being seen by each other. I will not attempt, however, to en-

* A prisoner may be confined for any number of years or for life.

large on a subject on which there exists much difference of opinion.

I took charge of the old Prison as Warden in March, 1836; we moved in October following; you will at once perceive I have had very little experience, and having no instruction (except a few short interviews with my esteemed friend Samuel R. Wood, of Pennsylvania, to whom I feel indebted for his kindness,) and every thing to learn. We had one hundred and seventeen prisoners when we moved. We have discharged some, and received others since. Our present number consists of one hundred and thirty-nine, and we find that to be about the average for the last three years. The health of the prisoners has been, so far, quite as good, if not better than in the same period in the other house. We have not lost one by death since we removed. The prisoners appear to be as cheerful and satisfied as could possibly be expected in their situation. They give us much less trouble and need less punishment; we find it is not by cruel treatment convicts are to be reformed. I am convinced that the old mode of punishment never had its desired effect. Whipping, cropping, branding, and all other barbarous punishments, I hope will soon be abandoned in every country, and the solitary cell, with a mild, persuasive, christian course, be adopted. In my office as Warden, I have sometimes had my temper and patience put to a severe trial, by the most refractory and intractable offenders, some of whom could only be subdued by force; but with the spirit of a christian, with no other instrument than the gospel of peace, I have succeeded in reducing others to perfect subjection. There is certainly a diversity of opinion as to the best means of inflicting punishment, and producing a reform in the morals of the criminals. I have never known a single case of reformation accomplished by harsh usage, but on the contrary, convicts may be rendered by it, hardened and reckless of all consequences as to this life and the one to come. There are at this time about forty persons in the State Prison who appear to be determined to lead a new life; they are, I believe, as sincere as the pious who visit them; but how strong their resolutions may prove when exposed to temptation, I cannot tell. We have no chaplain appointed, our clergy of Trenton have kindly volunteered their services, and we have divine worship almost every Sabbath. The prisoners are much pleased with religious exercises; each one has a bible, and is provided every week with a religious book from the library, and many take great pleasure in reading them. Out of one hundred and thirty-nine prisoners, one-third are coloured, and about one-fifth foreigners. We have not a single German, and only one Scotchman; the rest are principally English and Irish; about one-fifth cannot read or write. We shall not be able to pay our expenses, inclu-

ding salaries, this year, owing to the loss of time in moving and fixing, the high price of provisions, and the little demand for work. We are not allowed to use any of the prisoners out of their cells as servants. You ask my opinion of the system of solitary imprisonment. In reply, I must confess, that I consider it a most admirable experiment, and well calculated to fulfil the wise and beneficent designs of a just and merciful Providence; and may we not hope and trust that every prison in the civilized world will be instituted on this plan; no other can so effectually suppress crime. I cannot approve of the mode of managing Auburn, Sing Sing, Baltimore, Connecticut, and all others of a similar character; I fear they are not constituted on such principles as to diminish crime, by amending the moral conduct of the convicts.

I am, Sir, very respectfully,

Your obedient servant,

JOSEPH YARD.

To DR. PHILIP TIDYMAN.

APPENDIX.

Eastern State Penitentiary, September 18, 1837.

SIR,—At your request I transmit you the following Statement.

In the Eastern Penitentiary of Pennsylvania, the first story or ground floor is composed of 350 cells. Of this number, 336 have exercising yards attached to them, and 14 have not. The upper or second story comprises 236 cells, and also have no yards.

Of the lower cells, 114 (being those first built or the three one-story blocks,) are 8 feet wide by 12 long, and 16 high to the crown of the arch: the exercising yard 8 by 20, with a wall of 11 feet. The remainder (being those recently completed) are 8 feet wide by 16 long; height, same as the old ones, with an exercising yard of 8 by 16 feet.

The second story cells are of the same width, but about two feet shorter than the lower ones; and the loss of a yard is partially made up by allowing each prisoner two, or a workshop and sleeping room.

There had been received into the Penitentiary from its commencement in October, 1829, to December 31st, 1836, 697 prisoners, viz:

Natives of the United States	-	-	597
Foreigners	-	-	100

For further information as to their nativities, permit me to refer you to the accompanying report.

The number of whites and coloured for the foregoing period, was—

White males	-	-	-	-	432
do. females	-	-	-	-	11 = 443
Coloured males	-	-	-	-	232
do. females	-	-	-	-	22 = 254

Equal to 36 4-10 per cent. coloured.

White deaths of this number 9, equal to 2 3-100 per cent.

Coloured deaths do. 24, equal to 9 40-100 per cent.

In confinement this day—white males	-	-	230
do. females	-	-	7 = 237
coloured males	-	-	135
do. females	-	-	16 = 151

388

Present proportion of coloured 38 9-10 per cent.

Very respectfully,

JOHN S. HALLOWAY,

Clerk E. S. P.

To Dr. P. TIDYMAN.